

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Joseph Dolinar III Debtor Community Loan Servicing, LLC fka Bayview Loan Servicing, LLC Movant v. Joseph Dolinar III Mila Dolinar Respondent and Ronda J. Winnecour, Trustee Additional Respondent	NO. 18-24648 CMB CHAPTER 13 Related to Docs 141 and 149 Hearing Date: 11/10/21 @ 10:00 a.m.
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STIPULATION AND ORDER

AND NOW, come the undersigned parties, by and through their respective counsel, and enter into the following Stipulation:

WHEREAS, Community Loan Servicing, LLC fka Bayview Loan Servicing, LLC, has filed a motion for relief from stay due to delinquent mortgage payments on the mortgage secured by Debtor's real property at 102 Stuart Street, Bethel Park, PA 15102. (Doc. 141);

WHEREAS, Debtor has filed a response opposing relief from the automatic stay (Doc. 149)

WHEREAS, the parties enter into this Stipulation to resolve the motion for relief from the automatic stay.

It is therefore Stipulated and agreed as follows:

1. The Debtor shall file an Amended Chapter 13 Plan on or before 11/5/2021, capitalizing the arrears to the trustee in the plan. (Doc. 76)

2. The automatic stay is terminated as it affects the interests of the Movant with respect to Debtor's real property at 102 Stuart Street, Bethel Park, PA 15102, provided however, that relief from stay is stayed in accordance with the conditions set forth in Paragraphs 5-8, below.

3. On a go-forward basis from and after the date of the Order approving this Stipulation, the Debtor shall timely make full plan payments to the Chapter 13 Trustee, on or before the date upon which the respective plan payment is due.

4. Time is of the essence as to all plan payments going forward.

5. For the duration of this bankruptcy case, in the event that the Chapter 13 Trustee has not received a full plan payment by the last day of the month in which the Debtor's payment is due, as indicated by the Chapter 13 Trustee's online records, then the stay provided in Paragraph 1, above, shall be vacated and the automatic stay unconditionally lifted as it affects the interests of the Movant with respect to Debtor's real property at 102 Stuart Street, Bethel Park, PA 15102, upon the filing of a Certification of Default by Movant, without further hearing or without entry of an additional order, if Debtor has failed to cure the default fifteen (15) days after written notice of default to Debtor's counsel.

6. Relief from the automatic stay shall be effective immediately upon conversion of Debtor's case to a case under Chapter 7.

7. In the event that the automatic stay is terminated as provided by this Order, then the Trustee shall make no further disbursements to Respondent on account of its secured claim, unless directed otherwise by further Order of Court.

Consented to by:

/s/ Sean Logue, Esquire

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On this _____ day of _____, 2021, it is hereby ORDERED that the parties' Stipulation be and hereby is APPROVED and the hearing in this matter scheduled for 11/10/2021 at 10:00 a.m. is CANCELLED.

By the Court,

_____.J.